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47309

BY MESSENGER

May 12, 1989

Ms. Carolyn D. Bohlen
Superfund Program Management Branch 5HSM-12
United States Environmental
Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

Re: Southeast Rockford Site, Response to
Section 104(e) Request for Information

Dear Ms. Bohlen:

This correspondence responds to U.S. EPA's March 22, 1989 request for information ("Request") on behalf of Borg-Warner Corporation ("Borg-Warner"). Although U.S. EPA initially extended the time for submitting this response to May 26, 1989, U.S. EPA subsequently requested that Borg-Warner respond by May 12, 1989. Borg-Warner responds to the Request as it relates to the facility once owned by Borg-Warner at 2020 Harrison Avenue, Rockford, Illinois ("Harrison Road Facility"), situated north of the perimeters of the defined Site.

We understand that the Request is part of U.S. EPA's PRP search and, as a standard letter, certain categories of requested information may not be relevant. In our response, we have noted what we believe to be inapplicable inquiries. However, if you disagree, or need additional information, please let us know.

Borg-Warner submits this response subject to a general objection that the Request seeks information beyond that which is required to be disclosed pursuant to Section 104(e) of CERCLA. In addition, specific objections to a portion of the Request are noted below. Nothing in this response is or shall be deemed to be a waiver of these objections, nor should anything stated herein be deemed an admission that Borg-Warner generated any hazardous substances which may be involved in any alleged release or threat of a release at

Ms. Carolyn D. Bohlen
May 12, 1989
Page 2

the above-captioned Site. Borg-Warner expressly reserves any and all objections it may have to any person or entities' ability to obtain or use the information contained herein as an admission in any matter in which Borg-Warner is or may become a party.

OBJECTIONS

Instructions

Borg-Warner objects in general to the Instructions in the Request as they are beyond the scope of information required to be submitted pursuant to Section 104(e) of CERCLA. In addition, Borg-Warner raises the following specific objections to the Instructions:

Instruction No. 3: If information is not known or is not available to the Respondent as of the date of submission of his/her response, should information later become known by or available to the Respondent, Respondent must supplement its response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of its response, that any portion of the submitted information is false or misrepresents the truth, respondent must notify U.S. EPA thereof as soon as possible.

Objection to Instruction No. 3: While Borg-Warner reserves the right to supplement its response should additional or different information become available to it at a later date, Borg-Warner objects to this instruction as it purports to require Borg-Warner to submit a supplemental response.

Instruction No. 6: You must respond to the information requests on the basis of all information and documents in your possession, custody or control, or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.

Objection to Instruction No. 6: Borg-Warner objects to this instruction to the extent that it requires submission of information or documents not in the possession of Borg-Warner or not based on Borg-Warner's personal knowledge, and to the extent it infringes on Borg-Warner's attorney-client and/or attorney work product privileges.

Ms. Carolyn D. Bohlen
May 12, 1989
Page 3

Instruction No. 7: Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees, who may have knowledge of the operations, hazardous substance use, storage, treatment, disposal or other handling practice of the Respondent between 1982 and 1987. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or other representatives, this information shall be in the form of a notarized affidavit.

Objection to Instruction No. 7: Borg-Warner objects to Instruction No. 7 as it is beyond the scope of information required by Section 104(e) of CERCLA.

Instruction No. 8: If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

Objection to Instruction No. 8: Borg-Warner objects to Instruction No. 8 as it is beyond the scope of information required by Section 104(e) of CERCLA.

Definitions

Borg-Warner objects in general to the Definitions in the Request as they are beyond the scope of the information required to be submitted pursuant to Section 104(e) of CERCLA. In addition, Borg-Warner raises the following specific objections to the Definitions:

Definition No. 1: The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.

Objection to Definition No. 1: Borg-Warner objects to Definition No. 1 to the extent that it seeks to define Borg-Warner as its successors and assigns.

Ms. Carolyn I. Bohlen
May 12, 1989
Page 4

Definition No. 6: The terms "furnish", "describe", "identify" or "indicate" shall mean turning over to the U.S. EPA either original or duplicate copies of the requested information in the possession, custody or control of Respondent. Where specific information has not been memorialized in any document, but is nonetheless responsive to an information request, he must respond to the Request with a written response. If such requested information is not in your possession, custody or control, then indicate where such information or documents may be obtained.

Objection to Definition No. 6: Borg-Warner objects to Definition No. 6 as it is beyond the scope of information required by Section 104(e) of CERCLA and to the extent it infringes on Borg-Warner's attorney-client and/or attorney work product privileges.

Without waiving any of the foregoing objections, Borg-Warner responds to the information requests as follows.

RESPONSES TO INFORMATION REQUESTS

As a preliminary matter, Borg-Warner owned and operated the Harrison Road facility in Rockford, Illinois from prior to 1982 until 1986 when the facility was closed. In December, 1988, Borg-Warner sold the facility to Superior Toy & Manufacturing Company, Inc. The information in this response is limited to the Harrison Road facility for the requested time period (1982 to 1987).

Request No. 1: Did you ever use, purchase, generate, store, treat, dispose, transport or otherwise handle any materials at the Site? If your answer to this question is anything but an unequivocal no, answer the following questions:

- a. Identify the chemical composition, characteristics, physical state (e.g., solid, liquid), and trade or chemical name of each material;
- b. State whether any of these materials were or contained "hazardous substances" as defined by CERCLA Section 101(14), 42 U.S.C. §9601(14);
- c. Identify by names, business association, last known address and telephone number, the person who supplied you with each material, disposed or otherwise handled by you;

Ms. Carolyn D. Bohlen
May 12, 1989
Page 5

- d. State how such materials were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;
- e. State when such materials were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;
- f. State where such materials were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;
- g. Identify the quantity of such materials used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you.

Response to Request No. 1: No.

Request No. 2: Describe the nature of the manufacturing and maintenance processes at your operation(s)) from 1982-87, including:

- a. A description of all materials purchased for use in your operation(s) including the supplier, chemical identity and chemical composition of all materials identified;
- b. A description of all manufacturing processes that generated any by-products or wastes;
- c. A description of all maintenance operation(s) that generated any by-products or wastes; and
- d. A description of all products, by-products, and wastes generated.

Response to Request No. 2: Borg-Warner objects to Request No. 2 on the grounds that "materials" is not defined, thus making the request overbroad and unduly burdensome. Without waiving its objection, Borg-Warner states that it operated a universal joint manufacturing plant at the Harrison Road facility until 1986 when the plant was closed. The manufacturing activities at the facility involved large-scale machining operations involving the grinding, turning, hardening, and welding of steel into finished parts such as steel bearings, slip joints, universal joints and metal drivelines.

The principal raw material was steel that was manufactured elsewhere and purchased from the following entities: Eaton Steel, Oak Park, Michigan; Central Steel, Chicago, Illinois; Ryerson Steel, Chicago, Illinois; Laphan Hickey, Chicago, Illinois; Interlake (Acme) Steel, Riverdale, Illinois; and Bethlehem Steel, Johnstown, Pennsylvania. In

Ms. Carolyn D. Bohlen
May 12, 1989
Page 6

addition, the following entities provided the Harrison Road facility with oil, oil-related products or other products: Production Tool & Steel (grinding fluid); Viking Chemical; Mobil Oil; Premium Oil (quench oils); Metal Lubricants (coolant); Cutting and Grinding (broach oil); and R.R. Floody (tumbling media).

The manufacturing process generated two principal wastes: used quench oil and metal chips. The quench oil was taken off-site for recycling by Interstate Pollution Control and the metal chips were sold to Joseph Behr & Sons in Rockford, Illinois.

A sample of the waste oil was taken in 1984. The sample report is attached as Exhibit A. The Harrison Road facility was a small quantity generator, as evidenced in Exhibit B, and generated non-hazardous waste, as evidenced in Exhibit C. The metal filings/chips which had residual oil on them were stored in a concrete lined chip pit on the facility. The metal was stored in the pit and loaded into rail cars for transport to Joseph Behr & Sons. Residual oil and storm water collected in the pit were removed periodically by Interstate Pollution Control. Interstate would remove the residuals by pumping out an adjacent concrete tank. The chip pit was cleaned by FIW, Inc. in December, 1987 and waste from the cleaning process was transported outside the perimeters of the Site, as defined. In addition, Sjostrom & Sons, Inc. disposed of oil saturated limestone from the chip area at Gem Suburban Property, outside the perimeters of the Site.

Manufacturing activities also used methanol in the heating, treating process and Stoddard solvent for parts and steam cleaning. No significant waste emanated from either of these two activities because the methanol was converted into carbon and most of the Stoddard solvent volatilized into the air. Some waste Stoddard solvent (mixed with water) may have been generated from the limited steam cleaning operations. These wastes were collected in a concrete tank and disposed of by Interstate Pollution Control outside the perimeters of the Site, as defined.

In addition, the facility had a small metallurgical laboratory that may have contained small quantities of various chemicals (Chlorethene NV, 1,1,1,-Trichlorethane,

Ms. Carolyn D. Bohlen

May 12, 1989

Page 7

Nitrobenzene and Acetone).^{1/} Elsewhere, small amounts of the following chemicals may have been used: trichlorethane (degreaser); sodium nitrate (oxidizer); sodium hydroxide (caustic soda); metal conditioner; sulfuric acid; nylon primer; etching waste; chempol resin; sodium polyphosphate; aluminum oxide mixture; mixed oils and grease; nylon coating powder; and alkaline cleaner. These chemicals were properly handled and disposed of outside the perimeters of the Site, as defined.

The Harrison Road facility housed several underground storage tanks which were cleaned by FIW, Inc. and/or removed during the relevant time period. The waste from the cleaning process was sent for disposal outside the perimeters of the defined Site. An electrical transformer used at the Harrison Road facility was properly removed and its waste oil incinerated outside the area defined as the Site.

Request No. 3: Have you or any other person ever accepted materials for transportation to the Site from any person. If the answer to this question is anything but an unequivocal no, identify:

- a. The persons from whom you or such other persons accepted materials for transport;
- b. Every date on which materials were so accepted or transported;
- c. For each transaction, the nature of the materials including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
- d. The owner of the materials so accepted or transported;
- e. The quantity of the materials involved (weight or volume) in each transaction and the total quantity for all transactions;
- f. All tests or analysis and analytical results concerning each of the materials;

^{1/} This information of the manufacturing process and wastes generated was provided by Warren Cox, former Maintenance Foreman at the Harrison Road facility.

Ms. Carolyn D. Bohlen
May 12, 1989
Page 8

- g. The person(s) who selected the Site as the place to which materials were to be transported;
- h. The person(s) who selected the Site as the place to which materials were to be transported;
- i. The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
- j. Where the person identified in i. above, intended to have such materials transported and all evidence of this intent;
- k. Whether the materials involved in each transaction were transshipped through, or were stored or held at, any intermediate Site prior to final treatment or disposal;
- l. What was done to the materials once they were brought to the Site;
- m. The final disposition of each of the materials involved in such transactions;
- n. The measures taken by you to determine the actual methods, means, and Site of treatment or disposal of the material involved in each transaction;
- o. The type and number of containers in which the materials were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers.

Response to Request No. 3: No.

Request No. 4: Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of materials at or to the Site. In addition, identify:

- a. The persons with whom you or such other persons made such arrangements;
- b. Every date on which such arrangements took place;
- c. For each transaction, the nature of the materials including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
- d. The owner of the materials so disposed or treated;
- e. The quantity of the materials involved (weight or volume) in each transaction and the total quantity for all transactions;

Ms. Carolyn D. Bohlen
May 12, 1989
Page 9

- f. All tests or analysis and analytical results concerning each of the materials;
- g. The precise locations at which each material actually was disposed or treated;
- h. The person(s) who selected the Site as the place at which materials were to be disposed or treated;
- i. The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
- j. Where the person identified in i. above, intended to have such materials treated or disposed and all evidence of this intent;
- k. Whether the materials involved in each transaction were transshipped through, or were stored or held at any intermediate Site prior to final treatment or disposal;
- l. What was done to the materials once they were brought to the Site;
- m. The final disposition of each of the materials involved in such transactions;
- n. The measures taken by you to determine the actual methods, means, and Site of treatment or disposal of the materials involved in each transaction;
- o. The type and number of containers in which the materials were contained when they were accepted for transport, and subsequently until they were deposited at the Site and all markings on such containers.

Response to Request No. 4: None.

Request No. 5: Provide copies of all contracts, shipping documents, or other business documents including receipts relating to the transportation, storage and/or disposal of waste materials at the referenced Site.

Response to Request No. 5: Borg-Warner has not located any responsive documents.

Request No. 6: Identify all liability insurance policies held by Respondent from 1982 to the present. In identifying such policies, state

- a. The name and address of each insurer and of the insured;
- b. The amount of coverage under each policy;
- c. The commencement and expiration dates for each policy;

Ms. Carolyn D. Bohlen
May 12, 1989
Page 10

- d. Whether or not the policy contains a "pollution exclusion" clause; and
- e. Whether or not the policy covers sudden, nonsudden or both types of accidents.

Response to Request No. 6: Borg-Warner Corporation may be involved in litigation with its insurers over the extent of coverage afforded by its policies. The fact that the following insurance policies are listed should not be interpreted as a representation that insurance coverage is forthcoming.

Primary Coverage

1-1-79 to present	Continental Casualty	CCP004725154
(Pollution Exclusion 1-1-86 to present)		

Excess Coverage

1-1-82 to 1-1-83	Columbia Casualty Co.	UMB 689-12-02
	Northbrook Excess & Surplus	63-008-390
	First State Ins. Co.	930505
	International Surplus Lines	X51 7864
	American Excess Ins. Co.	EVL 5085216
	National Union Ins. Co.	1185382
	First State Ins. Co.	930506
	Transit Casualty Co.	SCU 956108
	International Surplus Lines	X51 7865
	Lexington Ins. Co.	552-11-43
	Allians Underwriters	AUX 5201260
	International Surplus	X51 7866

Coffield Ungaretti Harris & Slavin

Ms. Carolyn D. Bohlen
May 12, 1989
Page 11

	Lines	
	Lexington Ins. Co.	552-11-43
1-1-83 to 1-1-84	Columbia Casualty	UMB6891300
	First State Ins. Co.	930510
	American Excess Ins. Co.	EUL5097886
	International Ins. Co.	5220326862
	Allians Underwriters	AUX5201616
1-1-84 to 1-1-85	Columbia Casualty	UMB6891300
	National Union	9605656
	First State	930520
	Islic	5220326862
	Allians	AUX5201810
	Harbor Insurance	H1180001
	AIU	75-103608
	Safety Mutual	UF12401L
	Highlands Ins.	SR41164
	Fireman's Fund	XLX1530266
1-1-85 to 1-1-86	Columbia Casualty	UMB6891300
	National Union Fire	9605811
	International Ins. Co.	522-04956507
	First State	EU002156
	Wausau	5736-00-100896
	International Ins. Co.	522-049566-6

Coffield Ungaretti Harris & Slavin

Ms. Carolyn D. Bohlen
May 12, 1989
Page 12

	Industrial Indemnity	JE 8443954
	Transport Indemnity	TEL 01136C
	Granite State	6685-5532
	AIU	75103650
	Republic	CDE1423
	Transit Casualty	SCU 957049
	Zurich International	ZIB 72,453-85-C
	Allians	AUX 520022112
	Midland	XL 749333
	Fireman's Fund	XLX 1687554
	Zurich International	ZIB 72,444-85-C
	Aetna Casualty & Surety Co.	08XB310WCA
1-1-86 to 1-1-87	Lloyds of London	PY326085
	X.L. Insurance Co., Ltd.	G017SAA
	A.C.E. Insurance Co.	BOR-452
1-1-87 to 1-1-88	XL Insurance Co.	G0175AA
	A.C.E. Insurance Co.	BOR-452
1-1-88 to 1-1-89	X.L. Insurance Co., Ltd. (Pollution Exclusion)	
	A.C.E. Insurance Co. (Pollution Exclusion)	
1-1-89 to Present	Continental Casualty (Pollution Exclusion)	

Ms. Carolyn D. Bohlen
May 12, 1989
Page 13

X.L. Insurance Co., Ltd.
(Pollution Exclusion)

A.C.E. Insurance Co.
(Pollution Exclusion)

Request No. 7: Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the last five years.

Response to Request No. 7: Borg-Warner objects to Request No. 7 as it requests information beyond the scope of information required to be disclosed pursuant to Section 104(e) of CERCLA.

Request No. 8: Provide all financial statements for the past five fiscal years, including but not limited to those filed with the Federal and State Internal Revenue Service and Securities and Exchange Commission.

Response to Request No. 8: Borg-Warner objects to Request No. 8 as it requests information beyond the scope of information required to be disclosed pursuant to Section 104(e) of CERCLA.

Request No. 9: Identify all of Respondent's current assets and liabilities and the person(s) who currently own or are responsible for such assets and liabilities.

Response to Request No. 9: Borg-Warner objects to Request No. 9 as it requests information beyond the scope of information required to be disclosed pursuant to Section 104(e) of CERCLA. Without waiving its objection, Borg-Warner states that it no longer owns the Harrison Road facility and thus Request No. 9 is not applicable.

Request No. 10: Identify all subsidiaries and parent corporations of Respondent.

Response to Request No. 10: Borg-Warner states that the Harrison Road facility, a division of Borg-Warner Corporation was closed in 1986 and sold in 1988 to Superior Toy & Manufacturing Company, Inc.

Request No. 11: Provide a copy of the most current Articles of Incorporation and by-laws of Respondent.

Response to Request No. 11: Not applicable.


Coffield Ungaretti Harris & Slavin

Ms. Carolyn D. Bohlen
May 12, 1989
Page 14

Request No. 12: Identify the managers and majority shareholders of Respondent and the nature of their management duties or amount of shares held, respectively.

Response to Request No. 12: Not applicable.

The information contained herein is correct to the best of Borg-Warner's present knowledge, information and belief.



DIXIE L. LASWELL, One of the
Attorneys for BORG-WARNER
CORPORATION.

cc: Laurene Horiszney
Jennifer T. Nijman

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